

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

THOMAS E. SMITH,

No. 3:14-cv-01741 LB

Plaintiff,

**ORDER DISCHARGING SECOND  
ORDER TO SHOW CAUSE**

v.

BRAD HOFFMAN, et al.,

Defendants.

On June 29, 2015, the court ordered the plaintiff Thomas Smith to show cause why this action should not be dismissed for failure to prosecute because he did not file a first amended complaint by the court's June 1, 2015 deadline for doing so. (Second Order to Show Cause, ECF No. 34.) On July 2, 2015, Mr. Smith's counsel filed a declaration responding to the court's order. (Moore Decl., ECF No. 35.) In it, Mr. Smith's counsel described several personal matters that understandably required his attention. He asks the court either to give him additional time to file a first amended complaint or to stay the action while his appeal in a related action is pending. The court does not believe a stay is warranted at this time, but it will give Mr. Smith additional time to file and serve a first amended complaint. Accordingly, the court directs Mr. Smith to file and serve a first amended complaint no later than August 31, 2015.

**IT IS SO ORDERED.**

Dated: July 13, 2015

  
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LAUREL BEELER  
United States Magistrate Judge